

Exhibit 93

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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4 U.S. COMMODITY FUTURES TRADING
5 COMMISSION,

6 Plaintiff,

7
8 vs. 13 Civ 1174 (GBD)

9 ECF Case
10

11 WILLIAM BYRNES, CHRISTOPHER CURTIN,
12 THE NEW YORK MERCANTILE EXCHANGE, INC.,
13 and RON EIBSCHUTZ,
14 Defendants.

15 -----
16
17 DEPOSITION OF WILLIAM BYRNES
18
19

20 Monday, November 23, 2015

21 New York, New York
22

23 Reported by:

24 JOAN FERRARA, RPR, RMR, CRR

25 JOB NO. 100514

1 W. Byrnes

2 A They had a lot of users in the
3 system, yes.

4 Q Okay.

5 And who were the users of the
6 system?

7 A A bunch of different companies
8 trading a bunch of different products, and
9 it was electronically cleared.

10 Q When you're referring to the
11 system, what system are you referring to?

12 A ClearPort.

13 Q In layman's terms, could you
14 describe what ClearPort is?

15 A ClearPort is a clearing system
16 for deals negotiated off the floor.

17 Q When you say deals negotiated
18 off the floor, can you elaborate what that
19 means?

20 A Two parties entering into a
21 deal.

22 Q A deal for what?

23 A There were hundreds of different
24 products.

25 Q Like commodity products?

1 W. Byrnes

2 Eibschutz -- and you responded, "Just
3 trying to help out a friend build his
4 business. Other than that, there is
5 nothing else. I didn't do it for monetary
6 gain."

7 Do you recall being asked that
8 question and giving that answer?

9 A Yes.

10 Q Was your response truthful and
11 accurate?

12 MR. JACKOWSKI: Object to the
13 form.

14 A Yes.

15 Q If I could turn your attention,
16 Mr. Byrnes, to the eleventh page of the Q
17 and A transcript.

18 The top of the page starts with
19 5-minute break. The following questions
20 were asked by ADA Adam Miller.

21 Do you see that?

22 A Uh-huh.

23 Q At the bottom, there is a
24 question, "Do you know of anyone else who
25 was divulging trade information?"

1 W. Byrnes

2 And you answered, "I know that
3 guys are marketing are giving out trade
4 information."

5 Do you recall being asked that
6 question and giving that answer?

7 A Yes.

8 Q Was that answer truthful and
9 accurate?

10 MR. JACKOWSKI: Objection to
11 form.

12 A To the best of my knowledge,
13 yes.

14 Q The next question, "Who is
15 marketing?"

16 Answer: [REDACTED] I'm not
17 sure what customer she was talking to."

18 Do you recall being asked that
19 question and giving that answer?

20 A Yes.

21 Q Was your answer truthful and
22 accurate?

23 MR. JACKOWSKI: Objection to
24 form.

25 A Yes, to the best of my

1 W. Byrnes

2 knowledge, yes.

3 Q In this exchange, you're talking
4 about [REDACTED] disclosing trade
5 information.

6 A Uh-huh.

7 Q Can you tell me about that?

8 A It happened in passing. I was
9 walking by her desk and she was talking to
10 somebody on the phone about trades on the
11 blotter.

12 Q Do you know who she was talking
13 to on the phone?

14 A I do not.

15 Q Do you know when this disclosure
16 occurred?

17 A I cannot recall.

18 Q Do you know what information she
19 was disclosing?

20 A Like I said, active trades on
21 the blotter. Do I remember, no.

22 Q Do you recall any other
23 instances of anyone at NYMEX giving out
24 trade information?

25 A I don't recall.